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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,178	08/08/2001	Yuji Suzuki	81800.0163	4669
26021	7590	12/29/2005	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			BAKER, CHARLOTTE M	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/927,178

Applicant(s)

SUZUKI, YUJI

Examiner

Charlotte M. Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/08/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-5 and 7-21 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa et al. (5,726,768).

**Regarding claim 1:** Ishikawa et al. disclose a network control unit (Fig. 2, NCU 2-5) for closing and releasing a circuit; a memory for registering a communication job (Fig. 2, storage memory 2-11); a recording unit (Fig. 1, printing unit 1-4) for recording image data on a recording medium; and a control unit (Fig. 2, CPU 2-1) which closes the circuit by the network control unit (Fig. 2, NCU 2-5) to make acceptance of an incoming call impossible as long as the recording unit fails to operate (col. 6, ln. 33-36), and which releases the circuit temporarily by the network control unit (Fig. 2, NCU 2-5) in the case of an outgoing facsimile transmission (col. 26, ln. 59 through ln. 20).

**Regarding claim 2:** Ishikawa et al. satisfy all the elements of claim 1. Ishikawa et al. further disclose an image memory (Fig. 2, storage memory 2-11), wherein the control unit (Fig. 2, CPU 2-1) makes acceptance of the incoming call impossible when the recording unit (Fig. 1, printing

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unit 1-4) fails to operate and the image memory cannot store an image (col. 7, ln. 66 through ln. 6).

**Regarding claim 3:** Ishikawa et al. satisfy all the elements of claim 1. Ishikawa et al. further disclose wherein after the control unit (Fig. 2, CPU 2-1) makes the network control unit (Fig. 2, NCU 2-5) release the circuit temporarily (col. 26, ln. 59 through ln. 20), the control unit (Fig. 2, CPU 2-1) makes the network control unit (Fig. 2, NCU 2-5) close the circuit again when the incoming call is detected (col. 6, ln. 33-36).

**Regarding claim 4:** Ishikawa et al. satisfy all the elements of claim 1. Ishikawa et al. further disclose wherein the control unit (Fig. 2, CPU 2-1) makes the network control unit (Fig. 2, NCU 2-5) close the circuit again when the calling signal based on the incoming call ends in the case the incoming call is detected after the control unit (Fig. 2, CPU 2-1) makes the network control unit (Fig. 2, NCU 2-5) release the circuit temporarily (col. 26, ln. 59 through ln. 20), and then a call to the other end is originated (error communication report, col. 26, ln. 59 through ln. 20).

**Regarding claim 5:** Ishikawa et al. satisfy all the elements of claim 1. Ishikawa et al. further disclose wherein after the control unit (Fig. 2, CPU 2-1) makes the network control unit (Fig. 2, NCU 2-5) release the circuit temporarily (col. 26, ln. 59 through ln. 20), the control unit (Fig. 2, CPU 2-1) makes the network control unit (Fig. 2, NCU 2-5) close the circuit again when the incoming call is detected (col. 6, ln. 33-36), and makes the network control unit (Fig. 2, NCU 2-5) release the circuit when a CNG signal is received (col. 7, ln. 48-65).

**Regarding claim 7:** Ishikawa et al. satisfy all the elements of claim 1. Ishikawa et al. further disclose further including a display unit (Fig. 2, operation unit 2-8) for displaying result information of the facsimile transmission (Fig. 23 and col. 19, ln. 46-48).

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**Regarding claim 8:** Ishikawa et al. satisfy all the elements of claim 1. Ishikawa et al. further disclose a transmission result memory (Fig. 2, facsimile control unit 1-1), wherein the control unit (Fig. 2, CPU 2-1) makes the transmission result memory store the result information of the facsimile transmission therein (error communication report, col. 26, ln. 59 through ln. 20).

**Regarding claim 9:** Ishikawa et al. satisfy all the elements of claim 8. Ishikawa et al. further disclose wherein the control unit (Fig. 2, CPU 2-1) reads the result information of the facsimile transmission from the transmission result memory (Fig. 2, facsimile control unit 1-1), and makes the recording unit (Fig. 1, printing unit 1-4) record the result information of the facsimile transmission when the recording unit becomes operable (error communication report, col. 26, ln. 59 through ln. 20).

**Regarding claim 10:** Ishikawa et al. satisfy all the elements of claim 1. Ishikawa et al. further disclose wherein it is impossible to register a receiving job in the memory (Fig. 2, storage memory 2-11) when the communication terminal (Fig. 2, facsimile apparatus 1-0) is in the state in which the communication terminal (Fig. 2, facsimile apparatus 1-0) cannot receive data from a sending side (col. 7, ln. 66 through ln. 6) (col. 8, ln. 23-31).

**Regarding claim 11:** Ishikawa et al. disclose a network control unit (Fig. 2, NCU 2-5) for closing and releasing a circuit; a program memory (Fig. 2, storage memory 2-11) for registering a facsimile communication job; a recording unit (Fig. 1, printing unit 1-4) for recording image data on a recording medium; and a control unit (Fig. 2, CPU 2-1) which closes a circuit by the network control unit (Fig. 2, NCU 2-5) so that an incoming call is not accepted when the recording unit (Fig. 1, printing unit 1-4) fails to operate, and releases the circuit temporarily by the network control unit (Fig. 2, NCU 2-5) when the communication job registered in the

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program memory (Fig. 2, storage memory 2-11) reaches calling time (col. 16, ln. 56 through ln. 32).

**Regarding claim 12:** Ishikawa et al. satisfy all the elements of claim 11. Ishikawa et al. further disclose wherein the control unit (Fig. 2, CPU 2-1) causes a call to the other end for transmitting an image after the control unit (Fig. 2, CPU 2-1) makes the network control unit (Fig. 2, NCU 2-5) release the circuit temporarily (col. 26, ln. 59 through ln. 20).

**Regarding claim 13:** Ishikawa et al. satisfy all the elements of claim 11. Ishikawa et al. further disclose wherein the control unit (Fig. 2, CPU 2-1) registers the facsimile transmission job in the program memory (Fig. 2, storage memory 2-11) and does not register a receiving job in the program memory (Fig. 2, storage memory 2-11) (col. 26, ln. 59 through ln. 20).

**Regarding claim 14:** Ishikawa et al. satisfy all the elements of claim 11. Ishikawa et al. further disclose wherein the control unit (Fig. 2, CPU 2-1) makes the program memory (Fig. 2, storage memory 2-11) register the facsimile transmission job and a receiving job therein, and causes the receiving job to be carried out when the recording unit (Fig. 1, printing unit 1-4) becomes operable (col. 6, ln. 29-36).

**Regarding claim 15:** Ishikawa et al. satisfy all the elements of claim 11. Arguments analogous to those stated in the rejection of claim 2 are applicable.

**Regarding claim 16:** Ishikawa et al. satisfy all the elements of claim 11. Ishikawa et al. further disclose an image memory (Fig. 2, storage memory 2-11) for storing an image corresponding to the facsimile transmission job therein (error communication report, col. 26, ln. 59 through ln. 20), wherein the control unit (Fig. 2, CPU 2-1) makes acceptance of the incoming call impossible when the recording unit (Fig. 1, printing unit 1-4) fails to operate (col. 6, ln. 33-36).

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**Regarding claim 17:** Ishikawa et al. satisfy all the elements of claim 11. Ishikawa et al. further disclose wherein the recording unit (Fig. 1, printing unit 1-4) becomes non-operable when recording paper or a toner runs out (col. 9, ln. 59-66).

**Regarding claim 19:** Ishikawa et al. satisfy all the elements of claim 11. Ishikawa et al. further disclose when a receiving job is registered in the program memory (Fig. 2, storage memory 2-11), the registered receiving job which has reached calling time (col. 16, ln. 56 through ln. 32) is carried out after the cause for the malfunction of the recording unit (Fig. 1, printing unit 1-4) is solved (col. 6, ln. 29-33).

**Regarding claim 20:** Ishikawa et al. satisfy all the elements of claim 11. Ishikawa et al. further disclose wherein when the facsimile transmission job has been carried out without a problem, the communication terminal receives a receipt certificate from the receiving side (col. 10, ln. 66 through ln. 39).

**Regarding claim 21:** Ishikawa et al. satisfies all the elements of claim 11. Arguments analogous to those stated in the rejection of claim 7 are applicable.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. in view of Kawai et al. (5,778,279).

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**Regarding claim 18:** Ishikawa et al. satisfy all the elements of claim 11. Ishikawa et al. further disclose it is judged whether or not the recording unit (Fig. 1, printing unit 1-4) is non-operable (col. 6, ln. 29-31).

Ishikawa et al. fail to specifically address rotation time of the photoconductive drum.

Kawai et al. disclose on the basis of the rotating time of the photoconductive drum (col. 6, ln. 39-56).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a program counter to keep track of rotating time of the photoconductive drum. This addition to Ishikawa et al. would allow the operating time of the photoconductive drum to become another factor in determining that the recording unit is not operable.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459.


The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CMB

  
MARK WALLERSON  
PRIMARY EXAMINER